

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: April 16, 2019

+ **CRL.M.C. 2035/2019 & CRL.M.A. 8071/2019**

MADHU KUMARI & ORS.Petitioners

Through: Mr. Ravi Kant Kaushal, Advocate.

Versus

THE STATE & ANR.Respondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI Rajiv
Kumar.

Mr. K.S. Sharma, Advocate with
Respondent No. 2 in person.

+ **CRL.M.C. 2061/2019 & CRL.M.A. 8182/2019**

NAVEEN & ANRPetitioners

Through: Mr. Ravi Kant Kaushal, Advocate.

Versus

THE STATE G.N.C.T OF DELHI & ANRRespondents

Through: Mr. M.P. Singh, Additional Public
Prosecutor for State with SI Rajiv
Kumar.

Mr. K.S. Sharma, Advocate with
Respondent No. 2 in person.

CORAM:

HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

In the above captioned two petitions, quashing of cross FIR Nos. 306/2018 under Sections 308/34 of IPC and FIR No. 307/2018 under Sections 323/354(B)/506/509/34 of IPC both registered at Police Station

Pul Pehladpur, Delhi is sought on the ground that the misunderstanding which led to registration of these FIRs, now stands cleared between the parties.

With the consent of learned counsel for the parties, both these petitions have been heard together and are being disposed of by this common order.

Upon notice, learned Additional Public Prosecutor for respondent-State submits that complainant-party/injured of cross FIR Nos. 306/2018 & 307/2018 are present in the Court and they have been identified to be so, by SI Rajiv Kumar on the basis of identity proof produced by them.

Complainants/Injured of cross FIR Nos. 306/2018 & 307/2018 affirm the contents of their affidavits of 5th April, 2019 and submit that the misunderstanding, which led to registration of the cross FIRs in question, now stands cleared between the parties and that now, no grievance between parties survives and so, to restore cordiality amongst the parties, who are neighbours, proceedings arising out of the FIR in question be brought to an end.

Supreme Court in *Parbatbhai Aahir @ Parbatbhai Bhimsinhbhai Vs. State of Gujarat* (2017) 9 SCC 641 has reiterated the parameters for exercising inherent jurisdiction under Section 482 Cr.P.C. for quashing of FIR/criminal proceedings, which are as under:-

“16.7. As distinguished from serious offences, there may be criminal cases which have an overwhelming or predominant element of a civil dispute. They stand on a distinct footing insofar as the exercise of the inherent power to quash is concerned.

16.8. Criminal cases involving offences which arise from commercial, financial, mercantile, partnership or similar

transactions with an essentially civil flavour may in appropriate situations fall for quashing where parties have settled the dispute.

16.9. In such a case, the High Court may quash the criminal proceeding if in view of the compromise between the disputants, the possibility of a conviction is remote and the continuation of a criminal proceeding would cause oppression and prejudice.”

In the facts and circumstances of this case, I find that continuance of proceedings arising out of the cross FIRs in question, would be an exercise in futility as the misunderstanding, which led to registration of these cross FIRs, now stands cleared between the parties.

Accordingly, these petitions are allowed subject to costs of ₹10,000/- each in these two petitions to be deposited by petitioners with *Prime Minister's National Relief Fund* within four weeks from today. Upon placing on record the proof of deposit of costs within a week thereafter and handing over its copy to the Investigating Officer, FIR No. 306/2018 under Sections 308/34 of IPC and FIR No. 307/2018 under Sections 323/354(B)/506/509/34 of IPC both registered at Police Station Pul Pehladpur, Delhi and the proceedings emanating therefrom shall stand quashed qua petitioners.

These petitions and applications are accordingly disposed of.

Dasti.

**(SUNIL GAUR)
JUDGE**

APRIL 16, 2019

p'ma